

Kevin R. Anderson (4786)
Jocelyn J. Rick (9508)
Kellie K. Nielsen (11416)
OFFICE OF THE CHAPTER 13 TRUSTEE
405 South Main Street, Suite 600
Salt Lake City, Utah 84111
Telephone: (801) 596-2884
Facsimile: (801) 596-2898
Email: kratrusteemail@ch13kra.com

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

IN RE:
BRUCE GILBERT MCCUTCHEON
LISA DIANE MCCUTCHEON

Debtors

CASE NO: 11-20419

Chapter 13

Judge WILLIAM T. THURMAN

TRUSTEE'S MOTION TO DISMISS

Kevin R. Anderson, Standing Chapter 13 Trustee for the District of Utah, hereby moves the Court under 11 U.S.C. § 1307(c) and Local Rule 1007-1(a)(2) and 2083-1(f) for an order dismissing this case due to the Debtor's failure to timely comply with the provision of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and/or the Local Rules.

1. The Debtor filed a Chapter 13 petition on January 13, 2011, and the 341 Meeting is scheduled for February 25, 2011.

2. The following required document(s) were not filed with the bankruptcy court within 14 days of the petition date, as required by Bankruptcy Rule 1007 and/or 3015(b):

A Chapter 13 Plan using the mandatory Model Plan form (see § 1321; Bankr. Rule 3015(b); Local Rule 1007-2(a)(2) and 2083-1(a)); and Appendix G to the Local Rules).

A completed Official Bankruptcy Form 22C ("Statement of Current Monthly Income") (see § 521(a)(1)(B)(v); Bankr. Rule 1007(b)(6); and Bankr. Rule 1007(c)).

The Statement of Financial Affairs and/or Bankruptcy Schedules A - J (see § 1321; 521(a)(1)(B)(i)-(iii); and Bankr. Rule 1007(b)(1)(A)-(D)).

Payment advices or other evidence of payment received by the debtor(s) within 60 days before the date of the filing of the petition (see § 521(a)(1)(B)(iv); and Bankr. Rule 1007(b)(1)(E)).

3. Because the required bankruptcy papers were not timely filed, the Trustee will be unable to adequately review this case before the 341 Meeting so that a complete and meaningful examination of the Debtor can be conducted. Therefore, the Trustee will call but **not conduct** the 341 Meeting scheduled for February 25, 2011 10:00 am. However, the Debtor must still make the first Chapter 13 plan payment to the Trustee on or before the first scheduled 341 Meeting (see Local Rule 2083-1(b)).

4. Pursuant to Local Rule 2083-1(f), you must file an objection to this with the bankruptcy court within 21 days after service of the motion, or the bankruptcy court clerk must enter an order dismissing the case. Unless otherwise directed by the court, this motion will be heard at the confirmation hearing scheduled for April 07, 2011.

WHEREFORE, the Trustee moves this Court for the entry of an order dismissing this case under 11 U.S.C. § 1307(c).

DATED: 02/10/2011

KRA /S/
KEVIN R. ANDERSON
CHAPTER 13 TRUSTEE

CERTIFICATE OF MAILING

The undersigned hereby certifies that true and correct copy of the foregoing Trustee's Motion to Dismiss was served upon all persons entitled to receive notice in this case via ECF notification or by U.S. Mail to the following parties on February 10, 2011:

BRUCE GILBERT MCCUTCHEON & LISA DIANE MCCUTCHEON, 163 MAIN STREET SOUTH, ST.
GEORGE, UT 84770
PRO SE,

LUNDBERG & ASSOCIATES, 3269 SOUTH MAIN STREET STE 100, SALT LAKE
CITY, UT 84115

/s/

Office of Chapter 13 Trustee